



U.S. Department of Justice

United States Attorney  
Southern District of New York

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New York, New York 10007

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November 17, 2020

**MEMORANDUM ENDORSED**

**By ECF**

The Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 14C  
New York, New York 10007

**Re: *United States v. Ethan Phelan Melzer*, S1 20 Cr. 314 (GHW)**

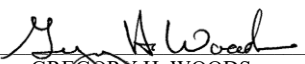
Dear Judge Woods:

The Government writes to request 30 days to respond to the defendant's motion to dismiss the indictment (the "Motion") in the above-captioned case, filed on November 16, 2020. (*See* Dkt. No. 37). The Motion is related to the defendant's previous request for records and papers used in connection with the constitution of the Master and Qualified Jury Wheels in the United States District Court for the Southern District of New York (*see* Dkt. No. 12), and is predicated almost exclusively on a report generated by an expert witness retained by the defendant discussing those records. (*See* Dkt. No. 38, Exhibit A). The report contains, among other things, lengthy statistical analyses of the Jury Selection Records and conclusions drawn therefrom by the defendant's expert witness. To respond to the Motion the Government intends to engage an expert to review the defendant's report, and anticipates such review will be concluded within 30 days. The Government therefore respectfully requests the Court set the following briefing schedule: Government's response due by December 17, 2020; and any reply by the defendant due by January 2, 2021.

Application granted in part. The deadline for the Government to respond to Defendant's motion to dismiss is December 30, 2020. Defendant's reply, if any, is due no later than January 13, 2021. In addition, Defendant is directed to submit a supplemental report by Mr. Martin that details the bases for the facts asserted and the opinions proffered no later than November 24, 2020. Mr. Martin's November 13, 2020 declaration does not cite to the sources of the data used by the expert to support his conclusions, and does not describe the methodology used to reach the opinions rendered. That information will be useful for the Court in evaluating the motion.

SO ORDERED.

Dated: November 17, 2020  
New York, New York

  
GREGORY H. WOODS  
United States District Judge

cc: Defense Counsel (by ECF)

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney

by: /s/

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